



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.20436 of 2019

G.Meenatchi

... Petitioner

vs.

1.The Inspector General of Registration (IG),
Chennai-600 028.

2.The Special Deputy Collector (Stamps),
Viruthunagar,
O/o Collectorate,
Viruthunagar District - 626 001.

3.The Sub-Registrar,
Thirupuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to return the original sale deed executed by the petitioner's deceased husband namely P.V.Ganesan, dated 05.04.2017 Doc.No.1241/17 on the file of the third respondent, Sub Registrar, Thirupuvanam, Sivagangai District, after making the necessary endorsements thereon within a reasonable time that may be stipulated by this Court.

For Petitioner : Mr.A.B.Natarajan

For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.A.B.Natarajan, learned counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate, who accepts notice on behalf of all three respondents are before this Court.

2.With consent of learned counsel on both sides,main writ petition is taken up, heard out and is being disposed of.

3. It is submitted that writ petitioner's spouse one Mr.P.V.Ganesan is a vendee in a sale deed dated 05.04.2017 (hereinafter 'said sale deed' for the sake of brevity, clarity and



convenience). It is submitted that said sale deed was presented in the office of the third respondent (jurisdictional Sub Registrar) for registration and the same ran into rough weather owing to issues pertaining to valuation of the property, which is the subject matter of conveyance.

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4. Thereafter vendee P.V.Ganesan died on 23.03.2018.

5. Be that as it may, proceedings regarding valuation of the property, which is the subject matter of conveyance qua sale deed were carried to its logical end and the same culminated in an order dated 02.01.2019 bearing reference Na.Ka.Tha.Pa.No.S2/248/2018 made by the second respondent (hereinafter 'original order' for clarity, brevity and convenience). It is the case of the writ petitioner that there is a statutory appeal available against the original order under Section 47-A(5) of Indian Stamp Act, 1899 (hereinafter 'Stamp Act' for brevity) and P.V.Ganesan's son one G.Rajkumar, who is the legal heir along with writ petitioner G.Meenatchi (wife of P.V.Ganesan) filed a statutory appeal on 05.02.2019. To be noted, the appellate authority is the first respondent.

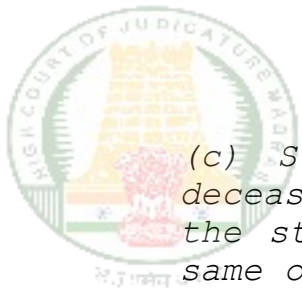
6. Notwithstanding very many averments made in the affidavit, notwithstanding very many grounds raised / contentions canvassed in the affidavit, learned Counsel for writ petitioner at the hearing abridged the scope of writ petition as well as the prayer and submitted that it will suffice if there is a direction to the first respondent to dispose of the aforesaid appeal against the original order within a time frame to be fixed by this Court.

7. It is also submitted that writ petitioner will produce documents before the first respondent to support the contentions of the appellant G.Rajkumar and writ petitioner who are the legal heirs of deceased P.V.Ganesan and if necessary, writ petitioner will also join as co-appellant.

8. In the light of narrative thus far and in the light of trajectory of instant writ petition as it unfurled at the time of hearing, more particularly the abridged scope of writ petition and prayer, the following order is passed:

'(a) Writ Petitioner shall produce the documents before the first respondent to demonstrate that her son appellant G.Rajkumar and writ petitioner are the legal heirs of the deceased P.V.GANesan within fortnight from the date of receipt of a copy of this order;

(b) Within a fortnight therefrom, the first respondent shall pass orders on the legal heirs aspect of the matter on the merits of the documents produced and in accordance with law;



(c) Subject to aforesaid order of legal heirs of the deceased P.V.Ganesan, the first respondent shall take up the statutory appeal dated 05.02.2019 and dispose of the same on its own merits and in accordance with law within a period of four weeks therefrom.

(d) If any other party or entity is to be heard, it is open to the first respondent to put said party or entity on notice and give reasonable opportunity to said party / entity.

(e) Orders in the aforesaid manner shall be passed within a period of four weeks from the date of decision taken on legal heirs aspect;

(f) The said order shall be duly communicated to writ petitioner, appellant and any others to appeal if any, under due acknowledgement within seven (7) working days from the date of order.'

9. Though obvious it is made clear that writ petitioner abridging the scope of writ petition and prayer, will not take away other rights of writ petitioner qua contentions raised in this writ petition.

10. Writ Petition is disposed of with the aforesaid directions. There shall be no order as to costs.

Sd/-
Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

SSL

To

1.The Inspector General of Registration (IG),
Chennai-600 028.

2.The Special Deputy Collector (Stamps),
Viruthunagar,
O/o Collectorate,
Viruthunagar District - 626 001.

3.The Sub-Registrar,
Thirupuvanam,
Sivagangai District.

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+1 CC to M/s.GP (SR-89040[F] dated 24/09/2019)

+1 CC to M/s.A.B.NATARAJAN, Advocate (SR-88730[F] dated
24/09/2019)

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W.P (MD) No.20436 of 2019
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JM/10.10.2019/4P/6C